

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

BRADLEY STUBBLEFIELD and KRISTAN STUBBLEFIELD,) CIVIL ACTION NO. 3:15cv18HTW-LRA
)
)
Plaintiffs,)
)
v.)
)
SUZUKI MOTOR CORPORATION)
)
Defendants.)

STIPULATION WITH PLAINTIFFS' REGARDING MALOUF TESTIMONY

It is stipulated and agreed by the parties and their counsel that Plaintiffs' counsel Mike Malouf, Jr. will not testify as a witness during the trial of this action, *Stubblefield v. Suzuki Motor Corporation*, Cause No. 3:15cv18HTW-LRA. It is further stipulated and agreed that no witness or attorney will elicit, or mention or imply that Mike Malouf, Jr. has at any time ridden the motorcycle that Mr. Bradley Stubblefield was riding at the time of his accident.

In addition, it is also agreed that Mike Malouf, Jr. will not express or imply any personal opinion or observation about the front brake of Mr. Stubblefield's motorcycle that is attributed to or based upon his own personal interaction with the motorcycle.

It is also stipulated and agreed that the following statements will be added to the pretrial order and read to the jury:

1. On September 4, 2014 Suzuki's representatives inspected the subject motorcycle.
2. In a letter dated October 17, 2014 Suzuki asked the Stubblefields' attorneys to preserve the motorcycle as evidence and notify Suzuki if any further inspection or testing would be done.
3. In late October or early November of 2014, the attorneys for the Stubblefields hired Preston Lind, a local rider, to evaluate the brakes on the motorcycle.
4. Between the time of Mr. Lind's ride and the wreck, the brake fluid had not been changed and no brake maintenance had been performed.
5. Mr. Lind drove the motorcycle 2.8 miles on asphalt and chip/seal surfaces in the parking lot of a soccer complex in Jackson, Mississippi.

EXHIBIT A

6. During at least one of Mr. Lind's test runs at 28-30 mph, the front brake had sufficient stopping power to lock the front wheel.
7. Plaintiffs' attorneys had not spoken to Mr. Lind prior to his death on May 5, 2016.
8. Mr. Lind did not give any testimony about his test riding and there are no photographs, video, or notes of his test riding.
9. Mr. Lind's test in November of 2014 created abrasions on the front and rear tires that day.
10. Suzuki's experts learned about the Preston Lind test riding during a subsequent inspection and discovered the odometer showed additional mileage not on the motorcycle at the initial inspection.
11. After Mr. Lind's test ride he told his mother, Jennifer Lind, about the riding. Mr. Lind told his mother that there was nothing wrong with the motorcycle.

This the __ day of October 2018.

ATTORNEY FOR PLAINTIFFS

ATTORNEY FOR DEFENDANT